

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
KRISTY LYNN LAND, ) CASE NO. 07-22613 JPK  
 ) Chapter 13  
Debtor. )

ORDER CONCERNING MOTION TO  
REINSTATE AUTOMATIC STAY ("MOTION")

This Chapter 13 case was initiated by a petition filed on September 28, 2007. The Court's records indicate that the debtor was a debtor in a Chapter 13 case pending within the one year period prior to the filing of this case which was dismissed, i.e., case number 04-65188. The provisions of 11 U.S.C. § 362(c)(3) thus come into play in this case, and in order to continue the stay in effect to the extent provided for by that statute, it was necessary for the Court to complete a hearing with respect to a motion to continue the stay in effect "before the expiration of the 30-day period" following the filing of the petition: 11 U.S.C. § 362(c)(3)(B).

On November 14, 2007, the debtor, by counsel, filed the Motion. The Motion apparently seeks to implement the automatic stay pursuant to § 362(c)(3)(B). The Court also notes that the debtor's counsel sought to utilize a form of "drop dead" notice, docketed as record entry #22.

First, there is no authorization in any rule or applicable law which provides for the utilization of the "drop dead" notice docketed as record entry #22, and that notice is ineffective for any purpose in this case. More importantly, 11 U.S.C. § 362(c)(3)(B) provides an absolute deadline for the conducting of a hearing to extend the automatic stay, and further provides that the extension must be requested by a motion filed with sufficient time for the Court to schedule a hearing within the 30-day period after the filing of the petition. That did not happen in this case. Because two or more cases involving the debtor were not pending during the one year period preceding the filing of the petition, the debtor cannot resort to 11 U.S.C. § 362(c)(4).

The Court finds that the Motion states no grounds for relief which can be granted, and that it must therefore be denied.

IT IS ORDERED that the Motion is denied.

Dated at Hammond, Indiana on November 20, 2007.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee  
All Creditors  
All Parties-in-Interest